

REMARKS

The Official Action mailed June 25, 2010, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on August 20, 2007; June 2, 2009 and June 1, 2010.

Claims 3, 5, 6, 9 and 11-17 are pending in the present application, of which claims 3, 5, 6, 9, 11 and 12 are independent. Claims 5 and 11 have been amended to clarify the features of the present invention. The Applicant notes with appreciation the indication of the allowance of claims 3, 6, 9 and 12. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 4 of the Official Action rejects claims 5, 11 and 13-17 as obvious based on the combination of U.S. Publication No. 2005/0084712 to Kido and Zhang et al., "Carbazole-based hole-transporting materials for electroluminescent devices," Synthetic Metals, Vol. 137, pp. 1111-1112, January 1, 2003. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found

either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 5 and 11 have been amended to recite that "light emission is performed when voltage is applied so that a potential of the first electrode is higher than that of the second electrode," supported in the specification, at least, by paragraph [0019] of the pre-grant publication. For the reasons provided below, Kido and Zhang, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action asserts that "what is meant by the 'potential' in the claims seems to the work functions of the electrodes [0013 & 0014]" and that "Kido teaches that the anode can have a work function higher or lower than that of the cathode." The Applicant respectfully disagrees and traverses the assertions of the Official Action. One of ordinary skill in the art would readily understand that "a potential" as recited in the claims refers to "electric potential" and not to work functions of the electrodes. In any event, the claims have been amended to clarify the feature and to recite that "voltage is applied so that a potential of the first electrode is higher than that of the second electrode." It is respectfully submitted that Kido and Zhang, either alone or in combination, do not teach or suggest that light emission is performed when voltage is applied so that a potential of the first electrode is higher than that of the second electrode and that a second layer which is in contact with the second electrode and is located between the second electrode and the first layer this feature of the present invention.

Since Kido and Zhang do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



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